

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF IOWA**

IN RE:  BDC GROUP, INC.,  Debtor.	Case No. 23-00484  <b>MOTION FOR SUMMARY JUDGMENT</b>
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Pursuant to Federal Rules of Bankruptcy Procedure 9014 and 7056, Keystone Savings Bank (“Bank”) moves for summary judgment on its Motion to Recognize Lien (Dkt. 290):

1. The Bank moves for summary judgment because it holds a security interest in avoidance actions under Chapter 5 of the Bankruptcy Code, notwithstanding the Unsecured Creditor’s Committee’s or other interested party’s position to the contrary.

2. Summary judgment is proper if there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986) (quoting Fed. R. Civ. P. 56(a)).

3. Debtor BDC Group, Inc. indisputably executed multiple pre-petition security agreements pledging substantially of its property to secure debt owed to the Bank. These interests were perfected and the scope of the blanket pledge is not in dispute. Because the Eighth Circuit has recognized a debtor’s pre-petition interests in Chapter 5 avoidance actions, *In re Simply Essentials, LLC*, 78 F.4th 1006 (8th Cir. 2023), and the scope of the Bank’s secured interests extends to them, the Court should recognize the Bank’s security interest and lien in Chapter 5 avoidance actions as a matter of law.

4. The Bank files contemporaneously herewith and incorporates herein its supporting brief, a statement of undisputed material facts, and an appendix of exhibits in support of this Motion for Summary Judgment.

WHEREFORE, Keystone Savings Bank respectfully requests that the Court enter an

Order declaring and recognizing the Bank's security interests and lien in all Chapter 5 avoidance actions, and for such further relief in the Bank's favor as may be just given the circumstances.

Dated: November 8, 2023

Respectfully Submitted,

SIMMONS PERRINE MOYER BERGMAN PLC

/s/ Abram V. Carls

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ATTORNEYS FOR KEYSTONE SAVINGS BANK

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 8, 2023, a copy of the foregoing document was filed with the Clerk of Court for the United States Bankruptcy Court for the Northern District of Iowa using the CM/ECF system, and served electronically on those participants that receive service through the CM/ECF System.

/s/ Abram V. Carls